

REMARKS

The Examiner is thanked for the due consideration given the application. The specification has been amended to improve the language. Appended to this paper is the International Preliminary Report on Patentability.

Claims 1-16 are pending in the application. Claims 1-16 have been amended to improve their language in a non-narrowing fashion.

Election/Restriction

The claims of the invention have been restricted into the following groups:

Group I, claims 1-7, drawn to a method for thermoforming hollow bodies; and

Group II, claims 8-16, drawn to an apparatus utilizing clamping means in order to thermoform.

Group II, claims 8-16, is elected with traverse.

The Official Action has not indicated any species of the invention subject to a restriction requirement.

The present invention is the national phase of PCT application EP 2004/006605 which originated as a corresponding EP application, and published under number WO 2005/014262.

The Official Action asserts that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT rule 13.1 because, under PCT rule 13.2, they

lack the same or corresponding special technical features for the following reasons: "the common technical feature in all groups is the use of clamping means used to hold and deform the peripheral edge of the plastic sheet during thermoforming operations. This deformed plastic sheet is a preform which is then placed into a mold, and that this element cannot have a special technical feature under PCT Rule 13.2 because the element is shown in the prior art of EP 0813950 B1." Page 2 of the Official Action.

However, EP 0813950 B1 was discussed at page 1 of the specification of the present invention as an example of the related art that the present invention supercedes. As a result, the technology of EP 0813950 B1 does not compare to that of the present invention in a substantive way.

As evidence thereof, it is noted that the International Search Report (of record in the application) failed to cite EP 0813950 B1. As a result, per the International Search Report, this document cannot be considered to be relevant.

Further the appended International Preliminary Report on Patentability found unity of invention, where Box No. IV (Lack of Unity of Invention) was not checked.

As a result, Groups I and II relate to a single general inventive concept under PCT rule 13.1 because, under PCT rule 13.2, they have the same or corresponding special technical features.

Accordingly, rejoinder of the Groups I and II and examination on the merits is respectfully requested.

CONCLUSION

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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